

## HOUSE BILL NO. 544

INTRODUCED BY B. WISEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE RECOVERY AND CONSERVATION OF WILD BUFFALO OR BISON IN MONTANA; EXTENDING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN THE MANAGEMENT OF WILD BUFFALO OR BISON IN MONTANA; AMENDING SECTIONS 81-2-120, 87-1-216, AND 87-2-730, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 81-2-120, MCA, is amended to read:

**"81-2-120. Management of wild buffalo or bison for disease control.** (1) Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

~~(c) The live wild buffalo or bison may be taken through limited public hunts pursuant to 87-2-730 when authorized by the state veterinarian and the department.~~

~~(d)~~(c) The live wild buffalo or bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or bison; or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in

1 this subsection ~~(1)(d)~~ (1)(c). Acquisition of wild buffalo or bison by a qualified tribal entity must be done in a  
2 manner that does not jeopardize compliance with a state-administered or federally administered livestock  
3 disease control program. The department may adopt rules consistent with this section governing tribal  
4 participation in the program or enter into cooperative agreements with tribal organizations for the purposes of  
5 carrying out the disease control program.

6 ~~(e)(d)~~ Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or bison must be  
7 deposited in the state special revenue fund to the credit of the department.

8 ~~(f)(e)~~ Any revenue generated in excess of the costs referred to in subsection ~~(1)(d)(i)~~ (1)(c)(i) must be  
9 deposited in the state special revenue fund provided for in 87-1-513(2).

10 (2) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully  
11 or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but  
12 not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved  
13 slaughterhouse or slaughter destination.

14 (3) In disposing of the carcass, the department:

15 (a) as first priority, may donate a wild buffalo or bison carcass to a charity or to an Indian tribal  
16 organization; or

17 (b) may sell a wild buffalo or bison carcass to help defray expenses of the department. If the carcass  
18 is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison  
19 carcass to the state special revenue fund to the credit of the department.

20 (4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison  
21 that enter Montana on private or public land and that are from a herd that is infected with a contagious disease  
22 that may spread to persons or livestock and may jeopardize compliance with other state-administered or  
23 federally administered livestock disease control programs."

24  
25 **Section 2.** Section 87-1-216, MCA, is amended to read:

26 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

27 (1) The legislature finds that ~~significant potential exists for the spread of contagious disease to persons or~~  
28 ~~livestock in Montana and for damage to persons and property by wild buffalo or bison~~ are valued native wildlife  
29 in the state of Montana. It is the purpose of this section:

30 ~~— (a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a~~

1 ~~species requiring disease control;~~

2 ~~—— (b) to designate other wild buffalo or bison as a species in need of management; and~~

3 ~~—— (c) to set out specific duties for the department for management of the species.~~

4 (2) The department:

5 (a) is responsible for the management, including but not limited to fair chase public hunting, of wild  
6 buffalo or bison in ~~this state that have not been exposed to or infected with a dangerous or contagious disease~~  
7 ~~but may threaten persons or property~~ Montana;

8 ~~(b) shall consult and coordinate with the department of livestock on implementation of the provisions~~  
9 ~~of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease free; and~~

10 ~~(c)(b)~~ shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison  
11 that enter the state on public or private land ~~from a herd that is infected with a dangerous disease~~; as provided  
12 in 81-2-120, under a plan approved by the governor. ~~The department of livestock is authorized under the~~  
13 ~~provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons~~  
14 ~~or livestock in Montana through the transmission of contagious disease. The department may, after agreement~~  
15 ~~and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have~~  
16 ~~been exposed to or infected with a contagious disease, pursuant to 87-2-730.~~

17 (c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison  
18 that may threaten a person or property, in cooperation with a person acting pursuant to the provisions of  
19 81-2-121.

20 (3) The department may adopt rules with regard to wild buffalo or bison that ~~have not been exposed~~  
21 ~~to or infected with a contagious disease but~~ are in need of management because of potential damage to person  
22 or property.

23 ~~(4) When adopting and implementing rules regarding the special wild buffalo or bison license issued~~  
24 ~~pursuant to 87-2-730, the department shall consult and cooperate with the department of livestock regarding~~  
25 ~~when and where public hunting may be allowed and the safe handling of wild buffalo or bison parts in order to~~  
26 ~~minimize the potential for spreading any contagious disease to persons or to livestock.~~

27 (4) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully  
28 or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but  
29 not limited to burial, incineration, rendering, or field dressing for donation or delivery to a department-approved  
30 slaughterhouse or slaughter destination.

1           (5) In disposing of the carcass pursuant to subsection (4), the department:

2           (a) as first priority, may donate the wild buffalo or bison carcass to a charity or to an Indian tribal  
3 organization; or

4           (b) may sell the wild buffalo or bison carcass to help defray the expenses of the department. If the  
5 carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo  
6 or bison carcass to the state special revenue fund to the credit of the department."

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8           **Section 3.** Section 87-2-730, MCA, is amended to read:

9           **"87-2-730. Special wild buffalo license -- regulation.** (1) The public hunting of wild buffalo or bison  
10 ~~that have been designated as a species in need of disease control under 81-2-120~~ is permitted only when  
11 authorized by the department of livestock ~~under the provisions set forth in 81-2-120.~~ pursuant to rules adopted  
12 by the department.

13           (2) The department may issue special licenses to hunt wild buffalo or bison, ~~designated as a species~~  
14 ~~in need of disease control when authorized by the department of livestock.~~

15           (3) The department shall adopt rules ~~in cooperation with the department of livestock~~ for fair chase public  
16 hunting of wild buffalo or bison. The rules must provide for:

17           (a) license drawing procedures;

18           (b) drawing and application fees consistent with 87-2-113;

19           (c) notification of license recipients as to when and where they may hunt, ~~but notification may not~~  
20 ~~include information regarding the actual physical location of a wild buffalo or bison other than the prescribed~~  
21 ~~hunting district where the animal may be taken;~~

22           ~~—— (d) fair chase hunting of wild buffalo or bison, including requirements that hunting be conducted on foot~~  
23 ~~and away from public roads and that there be no designation of specific wild buffalo or bison to be hunted;~~

24           ~~(e)(d)~~ means of taking and handling of carcasses in the field, ~~which must include provisions for public~~  
25 ~~safety because of the potential for the spread of infectious disease;~~

26           ~~(f)(e)~~ tagging requirements for carcasses, skulls, and hides;

27           ~~(g)(f)~~ possession limits; and

28           ~~(h)(g)~~ requirements for transportation and exportation; ~~and~~

29           ~~—— (i) requirements and criteria for authorization by the state veterinarian and the department of livestock~~  
30 ~~of any public hunting."~~

3 - END -